

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ROY SCOTT,

Plaintiff,

v.

STATE OF WASHINGTON,

Defendant.

No. MC05-5029

ORDER REJECTING ACTION FILED
ON JANUARY 19, 2006

This matter comes before the Court *sua sponte*. On January, 19, 2006, plaintiff submitted a proposed complaint which was forwarded to the undersigned for pre-filing review. Dkt. # 19. The affidavit provided with that complaint was defective in that it was not verified "under penalty of perjury." On February 7, 2006, the Court directed plaintiff to correct the deficiency. Dkt. # 21. Plaintiff was confused by the order and sought clarification via a letter mailed directly to the undersigned. On April 17, 2006, the Court extended the time in which plaintiff could remedy the deficiencies in his January 19, 2006, filing, and again directed plaintiff to declare, under penalty of perjury, that none of the issues raised in the proposed complaint had been litigated in the past. Dkt. # 55. The period in which to file the necessary affidavit was further extended until July 12, 2006. Dkt. # 69.

Pursuant to the governing bar order, unless and until a proposed complaint and the required affidavit are reviewed and approved by the undersigned, the new case will not be

ORDER

1 permitted to proceed. Plaintiff has been given three opportunities (and over five months) to
2 state, under penalty of perjury, that the issues raised in his January 19, 2006, proposed
3 complaint have not been previously litigated by plaintiff. He has not done so.
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5 Plaintiff has failed to supply the required affidavit by any of the deadlines set by
6 the Court. See Dkt. # 55 and 69. The action submitted on January 19, 2006 (Dkt. # 19-20),
7 does not, therefore, comply with the governing bar order and is hereby rejected. The Clerk of
8 Court shall docket this order in MC05-5029. Neither the Clerk of Court nor defendants need
9 take any further action with regards to the proposed complaint filed on January 19, 2006 (Dkt. #
10 19).
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12 DATED this 25th day of July, 2006.

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15 Robert S. Lasnik,
16 Chief Judge, United States District Court
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